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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,829	04/16/2004	Harish Kumar	6076P2761	9445
23504	7590	11/02/2007	EXAMINER	
WEISS & MOY PC 4204 NORTH BROWN AVENUE SCOTTSDALE, AZ 85251			TAI, XIUYU	
			ART UNIT	PAPER NUMBER
			4151	
			MAIL DATE	DELIVERY MODE
			11/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/825,829

Applicant(s)

KUMAR, HARISH

Examiner

Xiuyu Tai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. As recited in claims 1, 5, and 8, "interior of walls" constitutes an indefinite subject matter because it is not clear what the applicant regards as the "interior of walls" and the instant specification does not provide the clear definition of this term. Therefore, appropriate clarification/correction is required. For the purpose of examination, the "interior of walls" is interpreted as any enclosed space. Claims 2-4, 6, 7 and 9 are rejected because of their dependency and failure to remove the ambiguity of parent claims.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nardotto (U.S.6,344,113).

6. Nardotto discloses a device for general and localized sanitizing of air in an enclosed environment. The device also has a bactericidal and microbicidal action on the air (see abstract). In Nardotto's invention, the device for general and localized sanitizing of air in an enclosed environment includes:

(1) an ionizing means (reference 7 in Figure 2; see col.3, line 41; claim 5). The ionizing means in Nardotto's device consists of electrodes, which emit negative ions, and performs the first action of preventing the forming of molds and bacterial colonies (see col. 5, line 5-20). The ionizer/air purifier in the claimed invention generates and distributes negative ions and activated oxygen used to sanitize the air and to kill any mold and other bacteria. Therefore, "at least one ionizer/air purifier unit for generating ionized air and activated oxygen" as claimed in claims 1, 5, and 8 reads on "an ionizing means" in Nardotto's device;

(2) a conveyance means (reference 8 in Figure 2; see col.3, line 41; claim 5) and ducts (reference 11 and 13 in Figure 2, see col.3, line 45-47) to connect to ionizer for conveying air to an enclosed environment, reading on "ducting coupled to at least one ionizer/air purifier unit for transferring the ionized air to the interior of the walls and the other areas in the enclosed area" as claimed in claims 1, 6, and 8 ;

(3) an aspirating means (reference 5 in Figure 2; see col. 3, line 39; claim 5) for expelling air from inside enclosed environment and simultaneously aspirating air from outside enclosed environment, and a dust collection means (reference 6 In Figure 2;

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see col. 3, line 40; claim 7) comprising at least one mechanical prefilter and electrostatic precipitation filter (see col.3, line 59-60; claim 7), reading on "at least one ionizer/air purifier unit further draw in surrounding air and filter the air to purify the air" as claimed in claims 2, 7, and 8.

Nardotto clearly teaches a device for the general and localized sanitizing of air in an enclosed environment, which reads on location within "interior wall" of claims 3, 5, and 8.

Furthermore, Nardotto's device also comprises grilles (reference 12 and 15 in Figure 2) which have a plurality of openings to permit the passage of air (see col.3, line 46 & 55), reading on "a plurality of opening formed in wall supports to facilitate the air flow in the interior of the walls" as claimed in claims 4, 5, and 9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuyu Tai whose telephone number is 571-270-1855. The examiner can normally be reached on Monday - Friday, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mikhail Kornakov can be reached on 571-272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Xiuyu Tai

10/23/2007

**MICHAEL KORNAKOV**  
**PRIMARY EXAMINER**

*[Signature]* 10/30/07